

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CIVIL/AGENCY CASES

Directions: Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

Appeal No. & Caption	No. 24-1617, Bryant v. Moore
Originating No. & Caption	No. 1:23-cv-00077-CCE-LPA, Bryant v. Stein
Originating Court/Agency	U.S. District Court for the Middle District of North Carolina

Jurisdiction (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. § 1291	
Time allowed for filing in Court of Appeals	July 5, 2024, see FRAP 4(a)(3)	
Date of entry of order or judgment appealed	June 3, 2024	
Date notice of appeal or petition for review filed	July 2, 2024	
If cross appeal, date first appeal filed	June 20, 2024	
Date of filing any post-judgment motion	N/A	
Date order entered disposing of any post-judgment motion	N/A	
Date of filing any motion to extend appeal period	N/A	
Time for filing appeal extended to	N/A	
Is appeal from final judgment or order?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable? N/A		

Settlement (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-731-9099.)		
Is settlement being discussed?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Transcript (transcript order must be attached if transcript is needed and not yet on file)

Is transcript needed for this appeal?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Has transcript been filed in district court?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Case Handling Requirements (answer any that apply)

Case number of any prior appeal in same case	N/A	
Case number of any pending appeal in same case	No. 24-1576 (L), No. 24-1600	
Identification of any case pending in this Court or Supreme Court raising similar issue	GenBioPro, Inc. v. Raynes, No. 23-2194	
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does case involve question of first impression?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.	

Nature of Case (Nature of case and disposition below. Attach additional page if necessary.)

Plaintiff Dr. Amy Bryant alleged that various North Carolina laws restricting patient access to mifepristone, a drug used for the medical termination of early pregnancy, are preempted by federal law. Defendant North Carolina Attorney General Joshua H. Stein agrees that the challenged laws are preempted. North Carolina Senator Philip E. Berger and Representative Timothy K. Moore intervened to defend the challenged laws.

The district court entered partial summary judgment in favor of Plaintiff. The district court enjoined the enforcement of North Carolina laws restricting mifepristone that require (1) physician-only prescribing; (2) in-person prescribing, dispensing, and administering; (3) scheduling of an in-person follow-up appointment; and (4) non-fatal adverse event reporting to the FDA. The district court also entered partial summary judgment in favor of the intervenor-defendants. The district court held that federal law does not preempt North Carolina laws that require (1) an in-person, 72-hour advance consultation; (2) use of an ultrasound; (3) blood testing; and (4) reporting non-fatal adverse events to the State.

Intervenor-defendants appealed from the court's final judgment, and Plaintiff and the Attorney General cross-appealed.

Issues (Non-binding statement of issues on appeal. Attach additional page if necessary)

Whether the district court erred by holding that federal law does not preempt the challenged North Carolina laws restricting patient access to mifepristone.

Adverse Parties (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: Philip Berger; Timothy Moore	Adverse Party: Philip Berger; Timothy Moore
Attorney: Erik Christopher Baptist Address: ALLIANCE DEFENDING FREEDOM 44180 Riverside Parkway Lansdowne, VA 20176	Attorney: William Ellis Boyle Address: WARD & SMITH, PA P. O. Box 33009 Raleigh, NC 27636-3009
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Adverse Parties (continued)

Adverse Party: Philip Berger; Timothy Moore	Adverse Party: Philip Berger; Timothy Moore
Attorney: Erin Morrow Hawley Address: ALLIANCE DEFENDING FREEDOM Suite 600 440 1st Street, NW Washington, DC 20001-0000	Attorney: Julia Catherine Payne Address: ALLIANCE DEFENDING FREEDOM 15100 North 90th Street Scottsdale, AZ 85260-0000
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Appellant (Attach additional page if necessary.)

Name: Joshua H. Stein Attorney: Sarah Boyce Address: NC Department of Justice PO Box 629 Raleigh, NC 27602 E-mail: sboyce@ncdoj.gov Phone: 919-716-6400	Name: Joshua H. Stein Attorney: Stephanie Brennan Address: NC Department of Justice PO Box 629 Raleigh, NC 27602 E-mail: sbrennan@ncdoj.gov Phone: 919-716-6400
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Appellant (continued)

Name: Joshua H. Stein Attorney: Amar Majmundar Address: NC Department of Justice PO Box 629 Raleigh, NC 27602 E-mail: amajmundar@ncdoj.gov Phone: 919-716-6400	Name: Attorney: Address: E-mail: Phone:
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Signature: /s/ Sarah Boyce**Date:** 07/11/2024**Counsel for:** Joshua H. Stein**Certificate of Service** (*required for parties served outside CM/ECF*): I certify that this document was served on _____ by personal delivery; mail; third-party commercial carrier; or email (with written consent) on the following persons at the addresses or email addresses shown:

Signature:	Date:
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